UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/NGO/14
7 August 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1996]

1. The International Federation of Human Rights Leagues (FIDH) and its partner, the Civil Liberties Organization (CLO), are extremely concerned by the ever-worsening situation in Nigeria in terms of the systematic and flagrant abuse of human rights.

The political context

2. Since the annulment of the presidential elections in June 1993, Nigeria has remained in a state of military dictatorship. The conclusion of the work of the Constitutional Conference, first convened in 1994, was not the re-establishment of democracy but, as was widely feared, the announcement by the Head of State, General Sani Abacha, of a further transition programme.

According to General Abacha's announcement of 1 October 1995, this transition programme is to last three years, culminating in a return to civil and democratic rule.

3. Regardless of whether the transition programme will prove genuine or not, the people of Nigeria continue today to be deprived of their inalienable right to elect their own representatives. Chief, M.K.O. Abiola, who is generally considered to have won the annulled presidential elections of June 1993, remains in detention (since June 1994), charged with treason but without having been brought to trial.

Situation as to human rights abuses

4. Repression of opponents of the military Government. On 4 June 1996, Alhaja Kudirat Abiola, wife of Chief M.K.O. Abiola and a vocal opponent of the military Government, was murdered. Suspicions have been voiced that the murder was carried out by operatives of the State Security Service and within one week of the murder no less than 20 members of the Abiola family were arrested. The FIDH and the CLO wish to emphasize that this murder takes place within a larger context of every day violence directed against opponents of the regime. Although the Government denies any involvement in such events, the inability of the Nigerian authorities to identify and judge the perpetrators of violent attacks creates serious doubts as to their will to put into operation the democratic process.

5. It may also be noted that, in the run-up to the anniversary of the annulled election of 12 June 1993, various human rights activists were unlawfully detained, including two officials of the CLO, Nnimmo Bassey and Mahmood Aminu. Since that date, the CLO endures the hostility of the military authorities. Their offices in Lagos and in the provinces have been under surveillance, and their telephone and fax lines have been cut.

6. The Nigerian press is muzzled and constantly harassed by the military authorities. Administrative worries, arrests, physical threats, attempts on life, seizures, harassment of newspaper vendors, and the closing of press groups are aimed at depriving the Nigerian population of access to independent information.

7. In general, arbitrary arrest and detention remain an everyday occurrence. Critics of the military Government, human rights activists and others are subject to arrests, detention in military or police cells and prolonged incarceration awaiting trial. Another target has been those involved in the struggle for minority rights, such as the Ogonis. Many such detentions have been carried out under the State Security (Detention of persons) Decree No. 2 of 1990 (as amended) which allows the detention of persons considered to have been involved in acts prejudicial to State security. This Decree is in contradiction to article 9 of the International Covenant on Civil and Political Rights.

8. The workings of the judicial system continue to be severely hampered not only by inadequate funding and inordinate delays, but also by the military Government's predilection for special military tribunals (SMTs) and executive decrees that specifically exclude rights of appeal to the civil courts. The

SMT, established under Treason and Other Offences (Special Military) Decree No. 1 of 1986, has the power to try any person whether military or civilian. Of particular concern was the trial by an SMT of 43 civilian and military personnel accused of taking part in a coup plot in March 1995 (the existence of which is strongly doubted). The trials were carried out in secret with little if any regard to fundamental rights of defence and resulted in a series of convictions and sentences to death or life imprisonment. Although these sentences were subsequently commuted to 15 years' imprisonment, those convicted are now serving long terms in prison after trials in which basic rights were consistently denied.

9. The military Government has also made use of Civil Disturbances Special Tribunals, for example, for the trial of Ken Saro-Wiwa and eight others. Again, these tribunals operate to deny the most basic rights of accused persons and demonstrate the Government's determination to avoid using the civil courts. There is no right of appeal from the civil tribunal or the SMT. Also of concern is the growing application of the death penalty in civil criminal courts, for example in armed robbery cases, and the holding of mass public executions.

10. The systematic practice of torture and other forms of cruel, degrading and inhuman treatment is maintained and encouraged by the military Government, the police and the military. Torture is used extensively in police and military investigations and a huge range of methods have been devised. Torture is used as a means of extracting information but, no less deliberately, as a method of suppressing political activism. Inhuman treatment in prisons even seems to be actively encouraged as a means of discouraging further crime.

11. The growing number of extrajudicial killings committed by military or police officers is also a cause for great concern.

Minority rights and the environment

12. Populations who feel the impact of large-scale industrial projects are not consulted. These populations, which are generally poor and lack basic infrastructure, do not benefit from the industrial exploitation but suffer its disastrous consequences. Thus, many communities have opposed industrial projects or claimed the protection of their environment and compensation that would help them to develop. None the less, opponents undergo harassment and repression.

13. The Ogoni minority claims the protection of its environment, and ownership and control over the natural resources of Ogoniland. These demands and others (such as equitable federalism and political autonomy) have led to the violent repression Ogonis suffer today.

14. After the unfair and unlawful execution of Ken Saro-Wiwa and eight other Ogonis in November 1995, termed as such by the United Nations fact-finding mission that visited Nigeria in April 1996 (A/50/960), the policy of terror continues in Ogoniland. Any individual or collective manifestation to mourn the death of the nine Ogonis is repressed. The authorities are attempting to decimate the leadership of the Movement for the Survival of the Ogoni People

(MOSOP), and to put an end to this organization. All the persons likely to influence public opinion are under a permanent threat of arrest or violence. Massive arrests, torture and detention increased before the arrival of the United Nations fact-finding mission in April 1996. Many Ogoni people were then arrested and tortured, and released several weeks later, in May or June, after signing a document denouncing MOSOP.

15. Nineteen Ogonis, accused of being involved in the murders for which Ken Saro-Wiwa and eight other Ogonis have been executed, are awaiting trial: the same procedure is likely to be followed and the same witnesses to be heard. They too could be sentenced to death. This shows that the Nigerian Government is still ready to abuse the judicial system to reach its own goals.

Conclusion

16. The International Federation of Human Rights Leagues and its partner, the Civil Liberties Organization, request the Nigerian Government to accept the visits of the Special Rapporteurs on the independence of the judiciary and on arbitrary detention, appointed by the Commission on Human Rights at its fifty-second session, in its resolution 1996/79.

17. None the less, considering the severe and general violations of human rights suffered by the people of Nigeria, and which concern all aspects of life, the FIDH and the CLO vigorously call on the Sub-Commission to recommend that the Commission on Human Rights nominate at its fifty-third session a special rapporteur on the situation of human rights in Nigeria.